

Senate Bill 495

By: Senators Mullis of the 53rd and Shafer of the 48th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

To amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, so as to provide an increase in fees and charges and provide a fee for blaster certification cards; to require a license prior to conducting blast hole drilling; to amend Chapter 8 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of blasting operations generally, so as to provide additional definitions; to require a license for blast hole drilling; to require liability insurance for licensed blasters; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, is amended by striking Code Section 25-2-4.1, relating to the Safety Fire Commissioner and fees and charges, in its entirety and inserting in its place a new Code Section 25-2-4.1 to read as follows:

"25-2-4.1.

(a) The Commissioner is authorized to assess and collect, and persons so assessed shall pay in advance to the Commissioner, fees and charges under this chapter as follows:

- |   |                                      |
|---|--------------------------------------|
| (1) New anhydrous ammonia permit for storage in bulk (more than 2,000 gallons aggregate capacity) for sale or distribution one-time fee . . . . . | \$ 100.00                            |
| (2) Annual license for manufacture of explosives other than fireworks . . . .   | <del>100.00</del><br><u>1,000.00</u> |
| (3) Annual license for manufacture, storage, or transport of fireworks . . . .  | 1,000.00                             |
| (4) Carnival license . . . . .  | 100.00                               |
| (5) Certificate of occupancy . . . . .  | 100.00                               |

(6) Construction plan review:

(A) Bulk storage construction	100.00
(B) Building construction, 10,000 square feet or less	100.00
(C) Building construction, more than 10,000 square feet	.015 per square foot
(D) Other construction	100.00

(7) Fire sprinkler contractor certificate of competency 100.00

(8) Liquefied petroleum gas storage license:

(A) 2,000 gallons or less	100.00
(B) More than 2,000 gallons	500.00

(9) Building construction inspection:

(A) 80 percent completion, 100 percent completion, annual, and first follow-up	none
(B) Second follow-up	100.00
(C) Third and each subsequent follow-up	150.00

(10) Purchase, storage, sale, transport, or use of explosives other than fireworks:

(A) 500 pounds or less	<del>50.00</del> <u>500.00</u>
(B) More than 500 pounds	<del>100.00</del> <u>1,000.00</u>

(C) Blasters certification cards..... 100.00

(11) New self-service gasoline station permit one-time fee 100.00

(12) New permit to dispense compressed natural gas (CNG) for vehicular fuel one-time fee 100.00

(13) Licensed driller (blast hole drilling) ..... 250.00

(b) The licenses and permits for which fees or charges are required pursuant to this Code section shall not be transferable. A new license or permit and fee are required upon change of ownership."

**SECTION 2.**

Said chapter is further amended by striking subsection (d) of Code Section 25-2-17, relating regulation of explosives, and inserting in its place a new subsection (d) to read as follows:

"(d) No person shall manufacture, transport, use, sell, or store explosives or conduct blast hole drilling without having first obtained a license therefor issued by the Commissioner in accordance with reasonable rules established by ~~him~~ the Commissioner. The Commissioner is authorized to make reasonable rules providing for the issuance of such licenses on an annual basis to those applicants who have observed and may be expected to observe safety rules lawfully made under this Code section. Graded fees for such licenses shall be as provided in Code Section 25-2-4.1. The permits for the use only of explosives may be issued by judges of the probate courts or other local elected officials whom the Commissioner may designate. Fees for such permits to use explosives shall be \$2.00 for each permit issued, which fee shall be retained by the issuing local official."

### SECTION 3.

Chapter 8 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of blasting operations generally, is amended by striking Code Section 25-8-2, relating to definitions, in its entirety and inserting in its place a new Code Section 25-8-2 to read as follows:

"25-8-2.

As used in this chapter, the term:

(1) 'Blaster' or 'blasting contractor' means a person qualified by reason of training, knowledge, or experience to fire or detonate explosives in blasting operations and who has in his or her possession a valid blaster's license issued by the Commissioner.

(2) 'Blasting operation' means the use of explosives in the blasting of stone, rock, ore, or any other natural formation or in any construction or demolition work but shall not include the use of explosives in agricultural operations and private and personal use of explosives in remote areas for such operations as ditching, land clearing, destruction of beaver dams and other such operations when not ~~in close proximity to adjacent property~~ within 750 feet of a roadway or inhabited structure. This chapter shall not apply to any blasting operation in which the charge weight is 200 pounds or less.

(3) 'Charge weight' means the total weight in pounds of an explosive charge.

(4) 'Charge weight per delay' means the weight in pounds of an explosive charge which is detonated per delay period for delay intervals of eight milliseconds or greater or the total weight of explosives in pounds which is detonated within an interval less than eight milliseconds.

(5) 'Commissioner' means the Safety Fire Commissioner.

(6) 'Delay initiation' means the detonation of the subcharge of explosives in predetermined sequence which is accomplished by using regular or short period delay electric blasting caps or other means of equivalent effectiveness.

(7) 'Delay period' means the time interval in milliseconds (eight milliseconds or greater) between successive detonations of subchargers produced by the delay devices used.

(8) 'Distance' means the actual distance in feet along ground contour to the nearest house, public building, school, church, or commercial or institutional building normally occupied.

(9) 'Explosives' means any chemical compound or other substance or mechanical system intended for the purpose of producing an explosion or containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion, or by detonator may produce an explosion capable of causing injury to persons or damage to property.

(10) 'Licensed driller' means a person who through training and experience is qualified to supervise or conduct blast hole drilling activities and who is licensed by the Commissioner to perform blast hole drilling and to act as a blasting contractor.

~~(10)~~(11) 'Particle velocity' means the velocity with which an earth particle moves when vibrating or oscillating in any manner from its position of rest or elastic equilibrium.

~~(11)~~(12) 'Person' means any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership, association, firm, trust, estate, or other entity whatsoever.

~~(12)~~(13) 'Scaled distance' or 'Ds' means the actual distance (D) in feet divided by the square root of the maximum charge weight (W) in pounds that is detonated per delay period. This means:

$$Ds = \frac{D}{\sqrt{W}}$$

$$\text{Scaled distance} = \frac{\text{Actual distance}}{\sqrt{\text{charge weight per delay interval}}}$$

#### SECTION 4.

Said chapter is further amended by striking Code Section 25-8-6, relating to license requirement for persons engaged in use of explosives, in its entirety and inserting in its place a new Code Section 25-8-6 to read as follows:

"25-8-6.

1 (a) Every person engaged in any use of explosives or blast hole drilling regulated by this  
2 chapter shall be licensed in accordance with the provisions of Code Section 25-2-17.

3 (b) A blaster, blasting contractor, or licensed driller shall submit to the Commissioner  
4 proof of a valid comprehensive liability insurance policy purchased from an insurer  
5 authorized to do business in Georgia or an insurer otherwise authorized pursuant to Code  
6 Section 33-5-25. Valid insurance, for purposes of this subsection, shall include coverage  
7 for bodily injury, property damage, product liability, and complete operations and  
8 contractual liability coverage. Blasters and blasting contractors shall provide explosion,  
9 collapse, and underground damage insurance coverage. Proof of valid insurance coverage  
10 shall be submitted to the Commissioner prior to the issuance or renewal of a blasting  
11 license or certification card. The total coverage minimum shall be \$1 million or such other  
12 amount as determined by the Commissioner. An insurer providing coverage for blasters  
13 and blasting contractors for the purpose of insuring blasting operations shall be required  
14 to notify the Commissioner in the event of any change or lapse in such insurance coverage."

15 **SECTION 5.**

16 This Act shall become effective on July 1, 2006.

17 **SECTION 6.**

18 All laws and parts of laws in conflict with this Act are repealed.